

ZB# 01-56

Michael Lucas

20-2-51

Prelim.

Oct. 22, 2001.

SEAF?

Public Hearing:

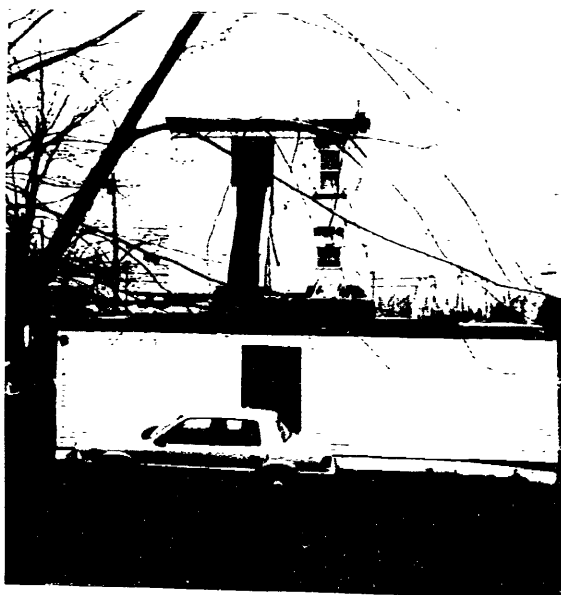
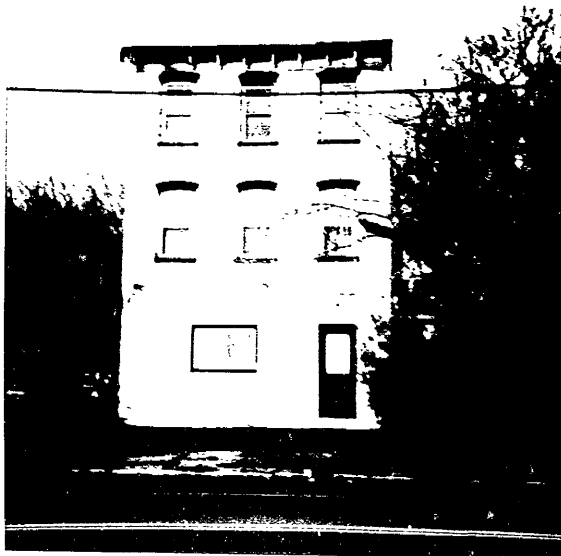
Nov. 26, 2001.

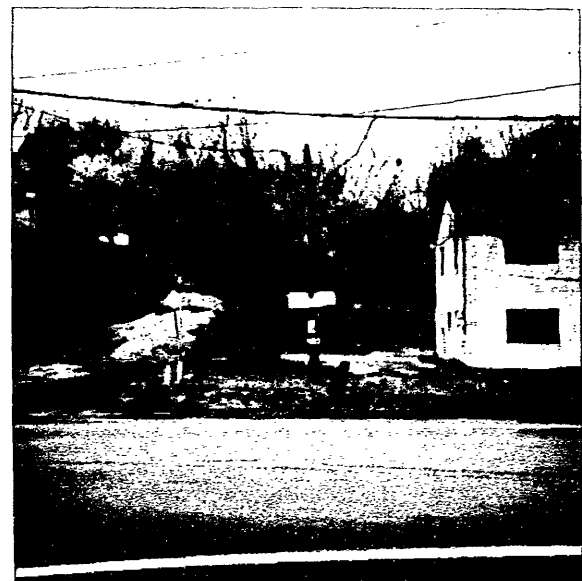
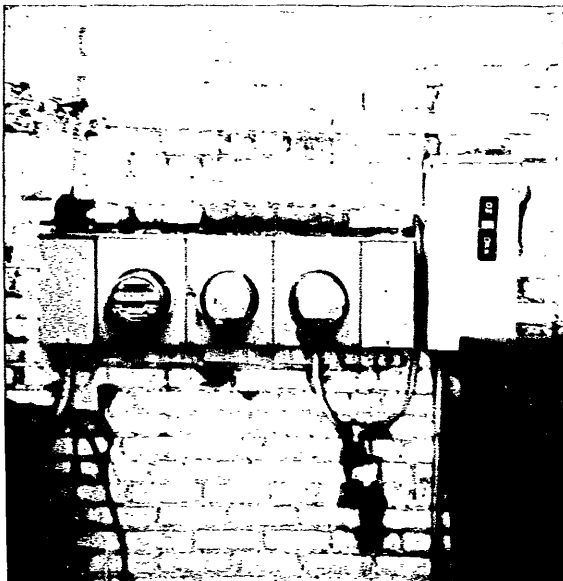
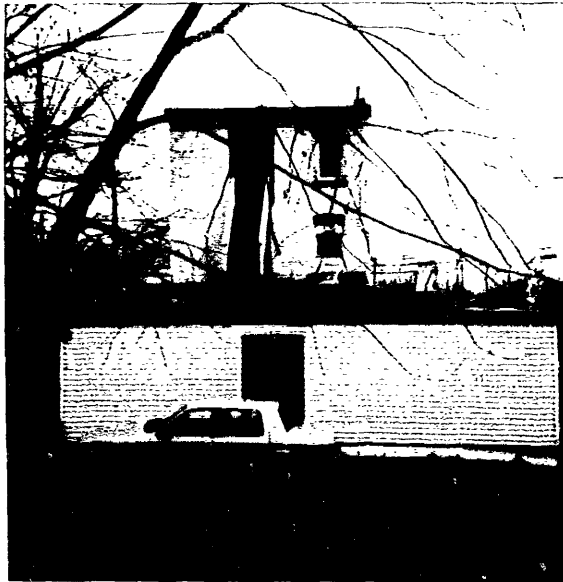
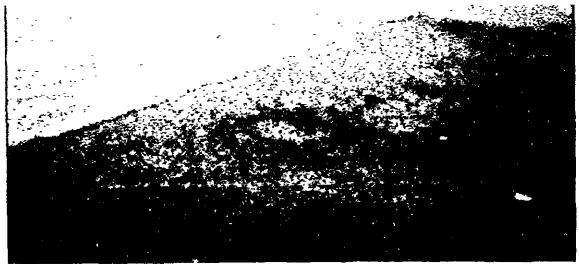
Interp. -
(3 family house)

Refund \$185.-

#01-56 Lucas, Michael
Else

20-2-51





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Lucas, Mike

FILE# 01-56

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA _____

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00

*paid
#635
10/29/01*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

*paid ck
#636*

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 10/22/01 ⁴ \$ 18.00

2ND PRELIMINARY- PER PAGE \$ _____

3RD PRELIMINARY- PER PAGE \$ _____

PUBLIC HEARING - PER PAGE 11/26/01 ⁶ \$ 27.00

PUBLIC HEARING (CONT'D) PER PAGE \$ _____

TOTAL \$ 45.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 10/24/01 \$ 35.00

2ND PRELIM. \$ _____

3RD PRELIM. \$ _____

PUBLIC HEARING. 11/26/01 \$ 35.00

PUBLIC HEARING (CONT'D) \$ _____

TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 15.00

LESS ESCROW DEPOSIT \$ _____
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT .. \$ _____

Date 12/5/01,

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Arlene Lucas DR.
146 Grassaick Ave. New Windsor, NY 12550

[illegible]

ARLENE LUCAS
146 QUASSAICK AVE.
NEW WINDSOR, NY 12553

10-4/220
BRANCH 422

635

Oct 26, 2001

© HARLAND CAMBRIDGE

PAY TO THE
ORDER OF

Town of New Windsor

\$ 50 ⁰⁰/₁₀₀

Fifty

00

DOLLARS

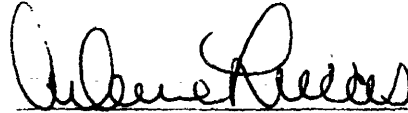
Security features
included
Details on back

 **M&T Bank**

Manufacturers and Traders Trust Company - Buffalo, N.Y. 14240
Hudson Valley Division
Newburgh Office

FOR

ZBA # 01-56



⑆022000046⑆⑆1000910696353⑆ 0635

ARLENE LUCAS
146 QUASSAICK AVE.
NEW WINDSOR, NY 12553

10-4/220
BRANCH 422

636

Oct 26, 2001

© HARLAND CAMBRIDGE

PAY TO THE
ORDER OF

Town of New Windsor

\$ 300 ⁰⁰/₁₀₀

Three hundred

00

DOLLARS

Security features
included
Details on back

 **M&T Bank**

Manufacturers and Traders Trust Company - Buffalo, N.Y. 14240
Hudson Valley Division
Newburgh Office

FOR

ZBA # 01-56



⑆022000046⑆⑆1000910696353⑆ 0636

In the Matter of the Application of

MICHAEL LUCAS

MEMORANDUM OF
DECISION GRANTING
INTERPRETATION

#01-56.

WHEREAS, MICHAEL LUCAS, residing at 146 Quassaick Avenue, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for an interpretation of a three-family residence as a pre-existing, non-conforming use located at 27 Cullen Avenue in a P-I zone; and

WHEREAS, a public hearing was held on the 26th day of November, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in opposition to this Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.
2. The evidence presented by the Applicant showed that:
 - (a) The property is a multi-family residential property located in a mixed neighborhood containing residences and commercial properties.
 - (b) The premises contains one building with three living units therein.
 - (c) The building is serviced by three separate electric meters and has separate telephone service.
 - (d) The property has been operated as a three-family property since prior to the enactment of zoning in the Town of New Windsor.
 - (e) The property has been continuously used and occupied as a three-family

residence since before the enactment of zoning, although as a rental residence the actual identity of the residence as three units has changed over the years.

- (f) Testimony was received by Affidavit that the premises has been used and occupied as a three-family residence.
- (g) The property has sufficient parking to comply with the requirements of the Zoning Local Law.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The property has been continuously used since before the enactment of zoning and the Zoning Local Law of the Town of New Windsor as a multi-family residence containing three dwelling units.
2. Although evidence exists in the records of the Building Inspector indicating that it has been at some times during the years since the enactment of the Zoning Local Law used as less than a three-family residence, the testimony received by the Zoning Board of Appeals in the form of Affidavits from persons who are familiar and knowledgeable about the premises are accepted as having greater weight than the aforementioned records.
3. Neither the present owner of the premises nor the prior owner has done anything to change the use of the premises as a three-family residence.
4. The interests of justice require an interpretation of the Tow of New Windsor Zoning Local Law that this premises is a pre-existing, non-conforming use as a three-family residence, regardless of the zoning classification of the district in which it is located.

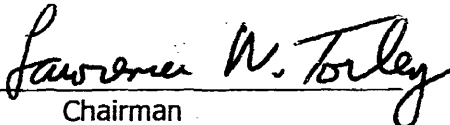
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor make an interpretation determining that the property known as 27 Cullen Avenue in the Town of New Windsor has a pre-existing, non-conforming use as a three-family residence in a PI zone.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: January 28, 2002.


Chairman

Date 12/3/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
12/3/01	Zoning Board Mtg		75 00	
	Misc. - 2	Manera - 2		
	Leonetti - 1	53.25	238 50	
	Applied Building - 1			
	Muratore - 2		313 50	
	Mlythe - 1			
	UGB Associates - 2			
	Conklin - 4			
	Baker - 3			
	Harris - 5			
	Mishkeel Realty - 13			
	Lucas - 6			
	Sheehan - 3			

LUCAS, MICHAEL

Mr. Michael Lucas appeared before the board for this proposal.

MR. TORLEY: Request for interpretation of three family residence as a non-conforming use in a PI zone at 27 Cullen Avenue. Do we have anyone in the audience wishing to speak on this matter? Let the record show there are none.

MS. CORSETTI: I have here an affidavit that states that we sent out 32 letters on October 31 in conjunction with this public hearing.

MR. KRIEGER: Once again, for the record, the applicant is an existing client and a close personal friend for many, many years and therefore, I prefer not to take an active part.

MR. TORLEY: Thank you for that notation. So Mike, what do you need?

MR. LUCAS: Well, I have two more documents, one is from one of the oil companies and the other one is some of my great photography that I took.

MR. TORLEY: Let the record show that I have received a letter from ASCO Commercial Operation supporting the applicant.

MR. KANE: How long has that building been in use?

MR. LUCAS: As multi family, as long as I can remember, I mean, and I was born and raised in this town, so from what I remember of it, there was a store there when I was a kid.

MR. TORLEY: Was that 1890?

MR. LUCAS: Yeah, thank you.

MR. TORLEY: Would you also note for the record we have additional three affidavits, one from Robert R. Rogers, another one from someone named James Nugent, and a

third one from Andy S. Spignardo all supporting the applicant's position.

MR. LUCAS: Bobby Rogers lived next door there growing up and I've had a conversation with him, he used to deliver papers there and he in fact this morning he told me he remembered the names of the tenants. I'm a member of the New Windsor Fire Company and when I bought way before I bought it, one of the fireman's brothers lived upstairs in the third floor, so I have always known it as being that.

MR. KANE: Do you know of any complaints, formally or informally about that arrangement?

MR. LUCAS: No, I don't think. Is there anything in the record that I know of?

MR. BABCOCK: No.

MR. TORLEY: There are a couple of other matters though that my secretary's handed to me an application for the installation of the sewage disposal back in '74.

MS. CORSETTI: They came from the building department.

MR. TORLEY: Showing this as a one family residence and a building permit dated and November of '87 for repairs showing number of dwelling units one. Mike, do you have any--

MR. BABCOCK: Basically, Mr. Chairman, that's why he's here.

MR. TORLEY: So the applicant's position was that it was a three family dwelling but at various points in time.

MR. BABCOCK: There is information in here where there's an application made for a sewer disposal system, we don't know who made that application, we don't know who wrote one family in there, but we do know that it says one family. When Mr. Lucas came in, this is, I think was even prior to him owning this property.

MR. LUCAS: Well not that property, but I owned the property next to here also and the Town of N Windsor requested an easement, I don't even know, they didn't request an easement, they put a sewer substation there, a pump, and I think it was to hook up that property that they had given that permit and at this time, there was nothing on that property. I, since then, have built a structure on that property, so that's what I think that application is for.

MR. TORLEY: So, this is really referring to an empty lot?

MR. LUCAS: Right.

MR. TORLEY: Not the lot in question?

MR. LUCAS: And that empty lot has this building here.

MR. KANE: Did you look at the front on the '87?

MR. LUCAS: That's the thing on the application but on the official permit, they still say no families living there so mine, where do you lead or where do you go from there?

MR. BABCOCK: At some point in time also there was information that led that it was, ceased as a two-family house and that led us to believe that it may not be a legal three-family house. Again, that's why he's here tonight because they assessed it as a two family, doesn't necessarily mean that it was two or three family, it's been assessed as a three family for I'm not sure how long. Mike, you probably would know.

MR. LUCAS: It's a confusing issue but I have always known it's two family. When I bought it as far as Mr. Rogers, he's lived there since the '50's, I've never had any complaints. There's plenty of parking there, in fact, I even let one of the woman behind on a piece of property behind there doesn't have parking on her street, so I let her park on this property because there's enough parking there for everybody.

MR. REIS: Has the building been inspected from the building inspector's, from your point of view, structurally and mechanically, it's acceptable as a three family?

MR. BABCOCK: I don't know, have we been there, Mike?

MR. LUCAS: You haven't been there, but the fire inspector has been there because it is a three family, the fire inspector makes inspections there. I was going to request that today to have some of the inspection reports given to you, but how much, I mean, I already asked Bob to do that, I couldn't ask him.

MR. KANE: You've had no violations?

MR. LUCAS: The only violation I had a flood there one time and I had to do some, I brought an engineer in and I had some structure damage and I repaired it and I complied. Then I had Mr. McDonald came down, we went over the work that was done and it was acceptable and that's the only time that we have ever had a problem with that and in fact, the last I did have it inspected by an engineer also that was just done recently.

MR. REIS: I'm just trying to give you some credence here, Mike. You have separate meters?

MR. LUCAS: Yes, shows here all the separate meters and the one that you can see there on one of the pictures there's a road that's under it, it would be the north side and I talked to the highway department, there was a washout there so think had to go through the state, long story short, they're going to this week, the end of this week they're going to repave it and it's all, but they actually had that road blocked off until they had settled the issue with the town so this will be a new surface.

MS. CORSETTI: It was never settled.

MR. LUCAS: It wasn't settled?

MS. CORSETTI: They're working on it.

MR. LUCAS: Because I talked to the woman at Henry's office today or yesterday and she says it's scheduled for repair, I didn't know if it had to do with the claim.

MS. CORSETTI: Well, the town has to repair it but it's really not our road.

MR. LUCAS: Okay, well, okay.

MR. TORLEY: I'm looking at the referral saying existing one-family house converted to three-family house without first obtaining a building permit.

MR. BABCOCK: The only way that he can get here is cause we're saying it's a one-family house, basically because of some of the records indicate sometimes the records indicate that it's a no family house, but some of them do, so we said it's a one-family house. We have a letter from the assessor's office that since then has changed in 1999, there was a letter, there was an open building permit for some repairs that he did, that's what he got the engineer's report on, I guess they had the flood at the time, the assessor wrote a letter in 2001, March of 2001 indicating that this is converted to a three-family house and that's how this whole process started.

MR. REIS: Is it currently occupied?

MR. LUCAS: Yeah, all three are occupied, it always has been.

MR. TORLEY: We have a conflict in records, some, but not all town records indicating it's a two-family house and affidavits from neighbors saying it's been a three-family house since almost time in memorial.

MR. LUCAS: And a store, it was also, Bobby Welch, who was our past fire chief said that along with that, and I can see where the store was when I did some work, there was a store there, too.

MR. REIS: I make a motion that we make a positive interpretation that this property at 27 Cullen Avenue

is in fact a three family residence.

MR. TORLEY: As a pre-existing non-conforming use.

MR. MC DONALD: Second it.

ROLL CALL

MR. KANE	AYE
MR. REIS	AYE
MR. RIVERA	AYE
MR. MCDONALD	AYE
MR. TORLEY	AYE

9-1-96.1
Littman Industries, Inc.
1126 River Road
New Windsor, NY 12553

20-2-45.2
Joseph Dellafiora & Blanche Drapun
42 Frost Lane
Cornwall, NY 12518

20-2-59
Andrea Spignardo
5 Silver Spring Road
New Windsor, NY 12553

9-1-97
LOC Realty Corp.
1116 River Road
New Windsor, NY 12553

20-2-47
Philip & Yvette Sayles
12 Silver Spring Road
New Windsor, NY 12553

20-2-67
John & Joan Morse
16 Union Avenue
New Windsor, NY 12553

9-1-98
IDC Soils Reclamation Inc.
92-94 Stewart Avenue
Newburgh, NY 12550

20-2-48
James & Susan Krieger
Route 94, RD#2, Box 101
New Windsor, NY 12553

20-3-1
William Klein
RD3 Box 243
Wallkill, NY 12589

9-1-99
New York Central Lines LLC
C/o CSX
500 Water Street (J-910)
Jacksonville, FL 32202

20-2-49
County of Orange
255-275 Main Street
Goshen, NY 10924

20-3-2 20-3-3
National Temple Hill Association, Inc.
C/o Danial Lucia, President
PO Box 315
Vails Gate, NY 12584

20-2-33.31 20-2-57
Richard Ostner
82 Bethlehem Road
New Windsor, NY 12553

20-2-50
Kathleen Shotmeyer
1 Valley Street
Hawthorne, NJ 07506

20-3-4
Jon Colson
17 Coffey Avenue
New Windsor, NY 12553

20-2-33.32
Michael Shramek
d/b/a Home Tech Builders
8 Ashwood Terrace
Newburgh, NY 12550

20-2-53
Kathleen Keegan
20 Cullen Avenue
New Windsor, NY 12553

20-3-5
Dale Prokosch
PO Box 4065
New Windsor, NY 12553

20-2-34 20-2-35
William & Jean Tubbs
29 Silver Spring Road
New Windsor, NY 12553

20-2-54
54-55 Vanessa St Corp
228 Broadway
Newburgh, NY 12550

20-3-6
Stella Lahey
11 Coffey Avenue
New Windsor, NY 12553

20-2-42.1
Horace Steven & Clarissa Berkhan
40 Silver Spring Road
New Windsor, NY 12553

20-2-55
Roy & Shirley Bardsley
16 Cullen Avenue
New Windsor, NY 12553

20-4-1
Mildred Benish
C/o Russell Benish
536 Wilderness Acres
E. Stroudsburg, PA 18301

20-2-42.2
Jerome Affron
Grand Avenue
Newburgh, NY 12551

20-2-56
Robert Welsh
14 Cullen Avenue
New Windsor, NY 12553

20-4-2
Park Avenue Realty Associates LLC
18 Coffey Avenue
New Windsor, NY 12553

20-2-44
Richard & Lance Roos
1129 River Road
New Windsor, NY 12553

20-2-58
Abraham Raich, Andrew Benzaken
& Celia Barone
C/o Andrew Benzaken
118 Riverside Drive
New York, NY 10024

20-4-3
Peacedale Properties, Inc.
238-240 Hudson Street
Cornwall-on-Hudson, NY 12520

20-4-4

Kathy Nucifore & Yvonne D'Angelo
14 Coffey Avenue
New Windsor, NY 12553

20-5-1

Park Avenue Realty Association
PO Box 2530
Monroe, NY 10950

MOISHEEL REALTY

Don Nichol, Esq. appeared before the board for this proposal.

MR. TORLEY: Request for use variance for storage of more than one commercial vehicle and repairs to commercial vehicles at 91 Toleman Road.

MR. NICHOL: My name is Don Nichol with Jacobowitz & Gubits representing the applicant. We're making actually an application for an interpretation. We're not planning to change the use the building has been used for for the last 33 years but we're selling the property and due to current lessee to the property, he wants to continue the use as he's been doing since 1993 and because the use involves the storage of commercial vehicles in a 40 x 60 garage, the building inspector would not give us Certificate of Occupancy and referred us to the Zoning Board of Appeals.

MR. TORLEY: You straddle the Town of New Windsor and Blooming Grove?

MR. NICHOL: That's right.

MR. TORLEY: You have to go to both boards?

MR. NICHOL: No, because I believe the structure is located in the Town of New Windsor and that's the only portion that we're worried about.

MR. TORLEY: How has the applicant been conducting this business legally now?

MR. NICHOL: They got a building permit in 1968. The original use was actually three well drilling rigs. It's stated on the building permit application permit was granted, structure was constructed, we have testimony from neighbors from the mid '70's to date that the use was there and was in existence continuous so it's a pre-existing, non-conforming usage.

MR. TORLEY: And is it repairs to commercial vehicles?

MR. NICHOL: Well, I mean, the three vehicles are commercial vehicles, they're stored there and I believe worked on there as well.

MR. TORLEY: So he's working on his own rigs in his own business, not customers coming in dropping off?

MR. NICHOL: No.

MR. KANE: No intent to have any vehicles of that type come in and be repaired?

MR. NICHOL: We're limited to the current use because it's non-conforming, we're allowed to have three vehicles of our own to store and repair so we can't expand to that use without some sort of variance.

MR. KANE: You're intending to keep it at the three vehicles?

MR. NICHOL: That's correct, the current owner is leasing to a gentleman who's leased the premises since 1993 and that gentleman wants to buy it at this point in time. In order to get the financing, he needs the C.O. for the bank and that's what we're looking for.

MR. TORLEY: In 1968 would not predate the zoning?

MR. BABCOCK: That's correct.

MR. NICHOL: No, but at that time, there appeared to be no limitation of storage as long as the vehicles were stored inside. In fact, they can even be unregistered vehicles, as long as they were stored in the building. That was changed I believe around '79 to the current you can only store one in the building so, you know, because it pre-existed that change and not the zoning itself, it's a legal non-conforming.

MR. KANE: Any particular reason that they didn't follow through on the building permit? There's an open building permit.

MR. BABCOCK: Well, yeah, it was open building permit and I guess for transfer of title, we were able to give

him a C.O. and do an inspection but for storage purposes only, not to go in and out, not to work on any vehicles, it's a garage in a residential zone.

MR. TORLEY: Well drilling.

MR. BABCOCK: Right, we did that so that can get cleared up then we decided to come to this board so--

MR. TORLEY: I'm not sure whether we put this under an interpretation of pre-existing, non-conforming use, although it was, otherwise it would be a use variance.

MR. REIS: Just for the record, Mr. Chairman, and the board, I'm familiar with the building and the site, this building sits back off the road probably 350, 400 feet by itself, it's a large building probably about--

MR. NICHOL: 40 x 60.

MR. REIS: I was going to say 2,500 square feet.

MR. KANE: How often are the vehicles going in and out of the property?

MR. NICHOL: Tell you the truth, I couldn't tell you.

MR. KANE: Can you get some information for the public hearing?

MR. NICHOL: Certainly.

MR. TORLEY: Existing well drilling business that doesn't concern me but if it becomes general generic commercial, would the applicant be willing to accept some limitations?

MR. NICHOL: I think we're limited and would accept a limitation to three vehicles of our own.

MR. KANE: To the current situation.

MR. TORLEY: We don't want three semi's back there.

MR. KANE: I agree.

MR. TORLEY: Says commercial vehicles, covers a broad range.

MR. NICHOL: I believe they are tractor trailers that are there.

MR. KRIEGER: I would suggest that you might want to know the gross weight of the vehicles, that might be a way for limiting purposes, if the board should want to limit it.

MR. NICHOL: Okay, that's reasonable.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Are we looking for an interpretation?

MR. TORLEY: Interpretation as to whether or not this constitutes a pre-existing non-conforming use. Gentlemen, a motion on that.

MR. KANE: I move that we set up Moisheel Realty for a requested interpretation on use at 91 Toleman Road.

MR. MC DONALD: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

LUCAS, MICHAEL

MR. TORLEY: Request for use variance to allow existing three family residence in a PI zone at 27 Cullen Avenue.

Mr. Michael Lucas appeared before the board for this proposal.

MR. KRIEGER: If I might, as I think is known to most of the members of the board, Mr. Lucas has been a long time personal friend of mine and has been and is a client of mine as well and for that reason, if the board has any legal questions with respect to this, I would prefer that they ask somebody else.

MR. TORLEY: Should that arise, we shall.

MR. KRIEGER: Thank you.

MR. TORLEY: Okay, what do you need?

MR. LUCAS: Well, I've owned this property I think since 1982, '81 or '82, it's been as long as I know and with the affidavits it's been a three family. I'm taxed at three family. Since the fire inspectors have been around, they have inspected it as a three family. Everybody in the neighborhood that I have asked, do you have affidavits, knows it's a three family. I haven't changed anything, other than upgraded and improved the property. I just wanted a clarification so I can have it and it's taxed as a three family, always been taxed as a three family. So I just would like to make it officially a three family. That's what I want to do.

MR. REIS: Have you had any complaints from anybody in the immediate area, Mike?

MR. LUCAS: No, I haven't.

MR. REIS: Just for the record.

MR. LUCAS: It's been that way as I remember as a kid. I asked Bobby Rogers too, it was a store and three family when I bought it, town employee lived on the

third floor, two families that lived on the back on the second floor, it's never not been that that anybody can remember. I also have an affidavit, I went to Leslie's office today, person that lived there in the '60's but she's in California, so that's in her file, if you do need that. I have Jimmy Jugent, I have Mr. Spignardo who lived behind since 1959. I believe nothing's changed other than I got some permits to do improvements on the building. I never had--

MR. KANE: Michael, correct me if I'm wrong, it's basically circumvent the use which is extremely difficult, go for the interpretation, if you can get documents proving to us that the building predated.

MR. LUCAS: I got 'em, everything there from all the statements from people that live there, the tax bills, everything.

MR. KANE: Statement from the lady in California would be nice as well.

MR. TORLEY: We're in receipt of two affidavits, one from Mr. Spignardo, one from Jim Nugent regarding the history of this building.

MR. LUCAS: Also, the fire inspector, if you need inspections, they have them all.

MR. KANE: The more dated proof, the easier it will be.

MR. TORLEY: Then applicant's requesting interpretation that this is a pre-existing non-conforming use and that it's a three-family house in a PI zone.

MR. KANE: And it's been used as such predating zoning, I agree.

MR. REIS: Do you have any trouble with that?

MR. BABCOCK: No.

MR. TORLEY: Gentlemen?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion we set Mr. Michael Lucas up for a public hearing for an interpretation of the use for a three family residence at 27 Cullen Avenue.

MR. KANE: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. MC DONALD	AYE
MR. RIVERA	AYE
MR. TORLEY	AYE

**ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK**

In the Matter of the Application for Variance of

Michael Lucas

**AFFIDAVIT OF
SERVICE
BY MAIL**

#01-56.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 31st day of October, 2001, I compared the 32 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public

Date 12/26/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
188 N. Drury Lane DR.
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
12/27/01		Zoning Board Meeting	75	00
		Misc. - 1		
		Searing - 5		
		Moisheer - 4		
		Santos - 4		
		Sheehan - 2		
		Lucas - 3		
		Weed - 6		
		Manera - 2		
		Scheuermann - 2		
		Di Micelli - 6		
		Bila/OC Trust - 3		
		Potzakis - 3		
			47	
			211	50
			286	50

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

RECEIPT
#1022-2001
ZBA # 01-56

10/29/2001

**Lucas, Arlene
146 Quassalck Avenue
New Windsor, NY 12553**

**Received \$ 50.00 for Zoning Board Fees on 10/29/2001. Thank you for stopping by
the Town Clerk's office.**

As always, It is our pleasure to serve you.

**Deborah Green
Town Clerk**

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
APPLICATION FOR VARIANCE

01-56

Date: 10/26/01

I. Applicant Information:

- (a) Michael D. Lucas 27 Cullen Ave New Windsor, NY
(Name, address and phone of Applicant) (845) 561-0489 (Owner) 12553
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☒ Use Variance ☐ Sign Variance
- ☐ Area Variance ☒ Interpretation

III. Property Information:

- (a) P.T. 27 Cullen Avenue 20-2-51 82 x 95
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NYC - OLT - R3
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1984
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No
- _____

IV. Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal)

Continued use as 3 Family dwelling

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

*Can't be used for any thing else.
Property is too small for any use in P.T.*

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes No ✓.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section , Table of Regs., Col. .

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u> </u>	<u> </u>	<u> </u>
Min. Lot Width <u> </u>	<u> </u>	<u> </u>
Reqd. Front Yd. <u> </u>	<u> </u>	<u> </u>
 Reqd. Side Yd. <u> </u>	<u> </u>	<u> </u>
Reqd. Rear Yd. <u> </u>	<u> </u>	<u> </u>
Reqd. Street Frontage* <u> </u>	<u> </u>	<u> </u>
Max. Bldg. Hgt. <u> </u>	<u> </u>	<u> </u>
 Min. Floor Area* <u> </u>	<u> </u>	<u> </u>
Dev. Coverage* <u> </u> %	<u> </u> %	<u> </u> %
Floor Area Ratio** <u> </u>	<u> </u>	<u> </u>
Parking Area <u> </u>	<u> </u>	<u> </u>

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

continued use as 3 family dwelling

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

Pls. publish immediately. Send bill to Applicant @ 146 Quessack Ave.
→ Pls. republish " . Section 20 (not 30) see below. No charge to Lucas.
for 2nd publication

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 01-56

Request of Michael D and Arlene Lucas

for a VARIANCE of the Zoning Local Law to Permit: Interpretation and/or

a continued use for a three (3)

family dwelling

being a VARIANCE of Section 48-12 Table of Use/Bulk - Col. A.

for property situated as follows:

27 Cullen Avenue, New Windsor, NY 12553

known and designated as tax map Section 30, Blk. 2 Lot 51

PUBLIC HEARING will take place on the 26th day of Nov., 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsatti

In the Matter of

AFFIDAVIT

MICHAEL J. LUCAS,
Zoning Board of Appeals

STATE OF NEW YORK)

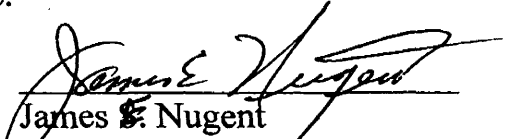
SS.:

COUNTY OF ORANGE)

JAMES ^F~~S~~. NUGENT, being duly sworn deposes and says:

1. I am, and have been since before January 1, 1965 a resident of the Town of New Windsor, County of Orange, State of New York. I make this affidavit in support of an application by Michael D. Lucas for an interpretation of the Zoning Code of the Town of New Windsor that property owned by him on River Road, in New Windsor, New York is now, and has been a three-family residence since before the enactment of a Zoning Code in the Town of New Windsor.
2. Your deponent is, and has been, engaged in the business of plumbing and heating. Your deponent has regularly serviced the heating units at 27 Cullen Avenue New Windsor, New York since January 1, 1977.
3. Your deponent is familiar with the premises at 27 Cullen Ave, New Windsor, New York. These premises have been continuously occupied by at least three living units since before January 1, 1977 and to date. During the aforementioned period of time, this occupancy and use has been continuous and there has been no interruption in this use.
4. I respectfully request the Building Inspector of the Town of New Windsor and the Zoning Board of Appeals of the Town of New

Windsor, to grant an interpretation of the Zoning Code as it applies to 27 Cullen Avenue, Town of New Windsor, that it has been used continuously since before the enactment of zoning in the Town of New Windsor, County of Orange, State of New York as a three-family residence and that such use is a pre-existing non-conforming use and may continue.


James E. Nugent

Sworn to before me this
15 Day of October, 2001.


Notary Public

ANDREW S. KRIEGER
Notary Public, State of New York
No. 02KR4648478
Qualified in Orange County
Commission Expires July 31, 2009

AFFIDAVIT

State of New York)

ss.:

County of Orange)

Andea Spignardo, being duly sworn deposes and says:

1. I am a resident of the Town of New Windsor, County of Orange, State of New York. I reside on Silver Spring Road directly behind the premises at 27 Cullen Avenue. I make this affidavit in support of an application by Michael D. Lucas for a determination that the premises at 27 Cullen Avenue is a three-family residence.
2. Your deponent has resided behind 27 Cullen Avenue from 1960 to date. Your deponent has observed the premises at 27 Cullen Avenue on a daily basis since 1960.
3. The premises at 27 Cullen Avenue has been used and occupied as a three-family residence since 1960 continuously to date. I ask the Building Inspector and/or the other officials at the Town of New Windsor, and/or the Zoning Board of Appeals to allow the use at 27 Cullen Avenue to continue as a three-family residence, as it has been since 1960.

Andea Spignardo
Andea Spignardo

Sworn to before me this 27
Day of September, 2001

Andrew S. Krieger
Notary Public

ANDREW S. KRIEGER
Notary Public, State of New York
No. 02KR4648478
Qualified in Orange County
Commission Expires July 31, 2005

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 9/18/01

**APPLICANT: Michael Lucas
146 Quassaick Avenue
New Windsor, NY 12553**

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Permit for 3-family

LOCATED AT: 27 Cullen Avenue

ZONE: P-I Sec/Blk/ Lot: 20-2-51

DESCRIPTION OF EXISTING SITE: Existing one family converted to three family

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing one family house converted to a three family house without first obtaining a building permit.
Three family homes are not permitted in a P1 zone.**


BUILDING INSPECTOR

PERMITTED NOT

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: PI USE: A-1 to 13 Bulk tables

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reworked after correction.

RECEIVED

SEP 14 2001

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 2001-953

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Michael & Arlene Lucas

Address 27 Cullen Ave New Windsor Phone # 561-0489

Mailing Address 146 Quassarick Ave Call # 914-542-5803

Name of Architect N/A

Address _____ Phone _____

Name of Contractor N/A

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the East side of River Rd.
(N,S,E or W)
and 0 feet from the intersection of Cullen Ave. Silver Spring Ave
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N X
3. Tax Map Description: Section 20 Block 2 Lot 51
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
- a. Existing use and occupancy 1 family b. Intended use and occupancy 3 family.
5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other _____
6. Is this a corner lot? Yes
7. Dimensions of entire new construction. Front n/a Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: 3 Number of dwelling units on each floor 1
- Number of bedrooms 3 Baths 3 Toilets 3 Heating Plant: Gas ✓ Oil _____
Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost

\$ 50.00

Fee

\$ 50.00

PAID

50.00 on # 1003

Variance

/ /
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

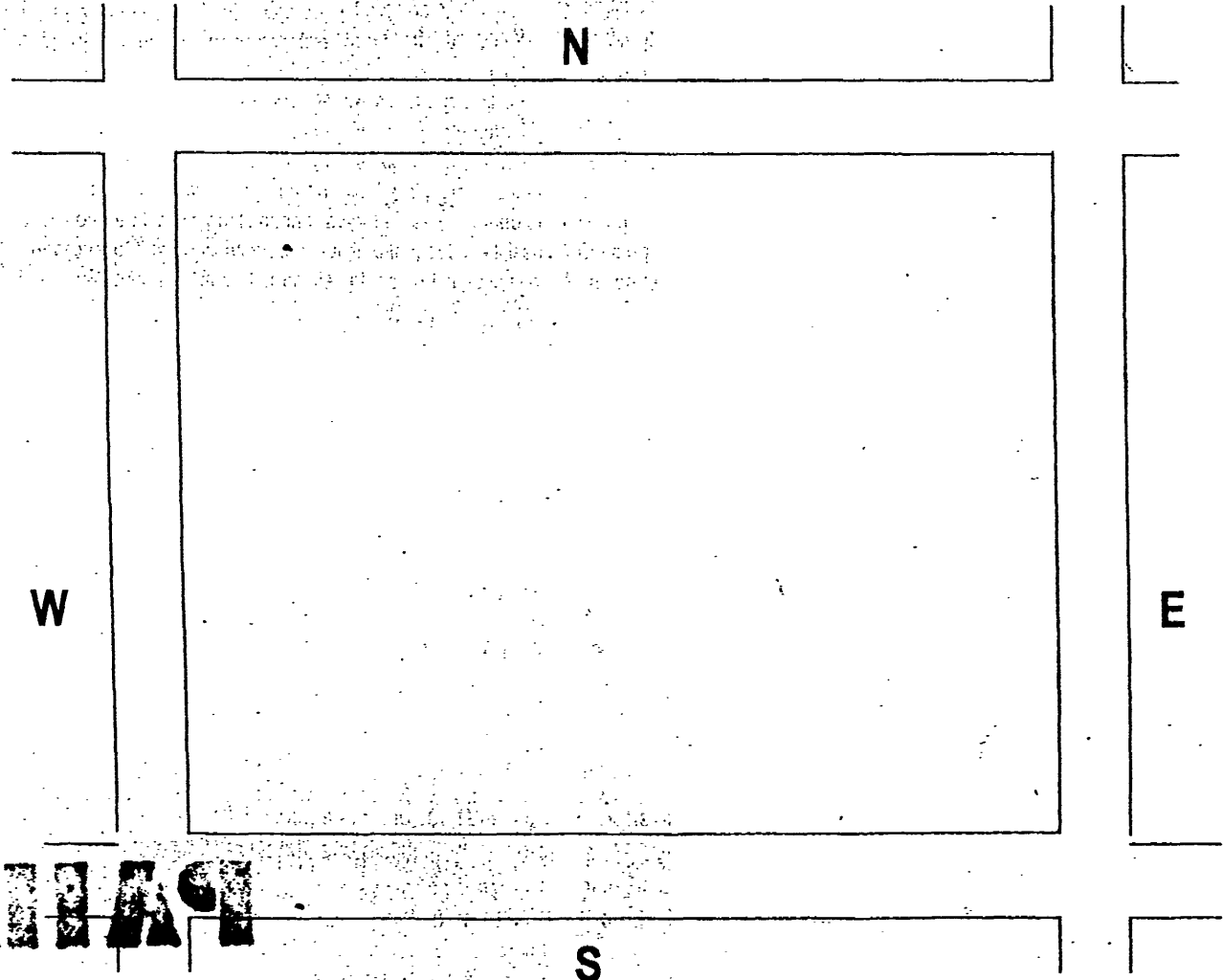
(Address of Applicant)

X
(Owner's Signature)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



JOSEPH & MARIUIN

(11)

(12)

44 141.6

42.1
1A

42.2
2.2A

400S

(OLD

1917

ROAD)

45.2

254

ROAD

SPRING

LOWER

1735
140

34
108.5
86
105.4

35

176.8

104.5

295

451

169

83.2

33

50

86

83

82.5

85.2

47
109.3
107.6
33

48
102.2
95.2
05

49
82

50
83

51
82.5

52
85.2

ROAD

AVENUE (FORMERLY WATER ST.)

CLINTON ST.

100

SECT 1

2

33.31

94A(C)

Town of New Windsor, Orange County, N. Y.

Application for Installation of Sewage Disposal Facilities

No. 616

Date Nov. 21, 1974

Fee of \$20.00 must accompany application.

The undersigned hereby makes application for approval of the installation of
Septic Tank ☐ Sewer Tap ☒ Cesspool ☐ Chemical Toilet ☐ Privy ☐
on the property described below.
Owner's Name .. Richard Shefflin Address .. Md. #4 River Road
Contractor's Name .. Lucas Address ..
Location of property .. River Road
District Number .. # 9 Number of families to be served .. 1
Subdivision ..

	Block No.		Lot No.		Size of lot
Character of Building		Dwelling <input checked="" type="checkbox"/>		Garage <input type="checkbox"/>	Store <input type="checkbox"/> or other <input type="checkbox"/>
No. of occupants	<u>5</u>	Bedrooms	<u>3</u>	Baths	<u>1</u> Extra Showers <u>No</u>
Garbage Disposal sink	<u>No</u>			Automatic Laundry Washer	<u>Yes</u>
Source of water supply		Public <input checked="" type="checkbox"/>		Drilled well <input type="checkbox"/>	Dug Well <input type="checkbox"/> Spring <input type="checkbox"/> Ground <input type="checkbox"/>
Tank cap. in gallons				Lin. ft. of trench	Width of trench

Richard C. Shefflin

WARNING — Failure to comply with this Sanitary Ordinance is punishable by a fine of \$50.00 for each offense.

To: Sanitary Inspector,
Town of New Windsor, N. Y.

Date

Nov 21 1974

Charlotte J. Macentorie Deputy
Town Clerk

To be filled in by inspector

Time in Min.

Inches

Date

Percolation Test

Signature of person who made test

Date

Trench Inspection

Signature of Sanitary Inspector

Date

Complete inspection uncovered

Signature of Sanitary Inspector

Remarks:

All work must be done on the
highway before 4:30 P.M.

Saturday and Sunday Inspections
extra \$35.00 charge.

5
L 20
B 7
V 51

Approved:

J. Bratt 21 Nov 74

Sanitary Inspector

Date

Sanitary Inspector

(see other side)

Permit No: 3960

File Date: 11/6/87

BUILDING PERMIT

SEC-BLK-LOT: 20-2-51.0

Permit Fee: \$\$\$\$25.00

A permit is hereby given by the Building Department of the Town of New Windsor, Orange County, N.Y., for the structure described herein:

Owner's Name: LUCAS, MICHAEL D.

Address: 27 CULLEN AVE., NEW WINDSOR, N.Y.

Architect's Name: SAME

Address:

Builder's Name: SAME

Address:

Location of Building: SILVER STREAM, S/S

Material: WOOD

Number of Stories: 0.0

Number of Families: 0

Dimensions of Building: SEE PLANS

Dimensions of Lot: SEE PLANS

Use of Building: REPAIRS

Number of Bedrooms: 0

Number of Toilets: 0

Number of Bathrooms: 0.0

Heating Plant:

Remarks: PERMIT ISSUED FOR REPAIRS

See pg. 2

Approximate Cost: \$\$\$\$\$2,000.00

1. I am familiar with the Zoning and Building Ordinance of the Town of New Windsor, and do hereby agree to abide by them.
2. The information stated above is correct and accurate.

Signature of Applicant

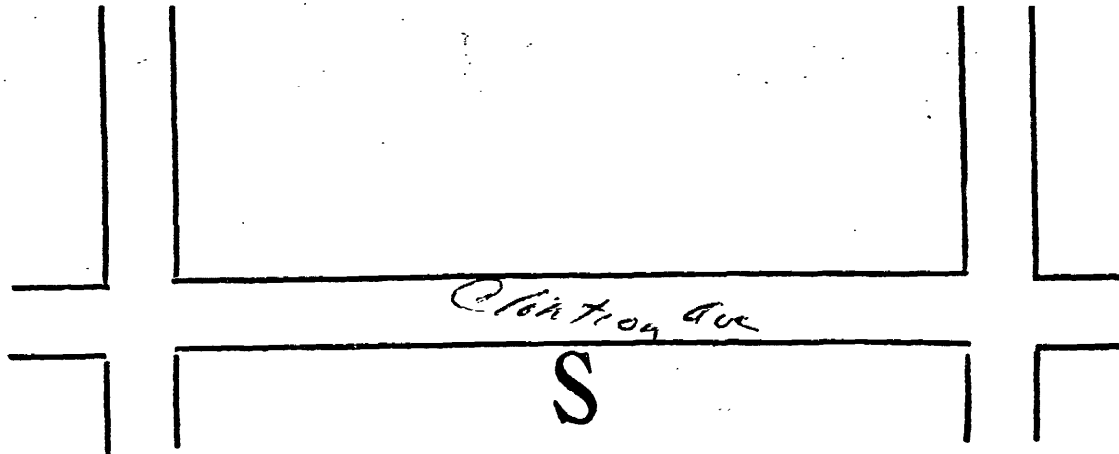
IMPORTANT

1. A permit under which no work has commenced within six (6) months after issuance, shall expire by limitation, and a new permit must be secured before work can begin.
2. It is the responsibility of the owner and/or contractor to comply with all applicable town ordinances and to call for the required inspections at least one day in advance.

Michael P. Rinaldi

Signature of Building Inspector

DISTRIBUTION: WHITE to APPLICANT, YELLOW to FILE, GREEN to OFFICE



Name of Owner of Premises Michael D. Lucas

Address 27 Cullen Ave New Windsor, Md Phone 561-0489

Name of Architect Same

Address Phone

Name of Contractor Same

Address Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder.....

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the South side of Silver Stream

(N. S. E. or W.)
and 0 feet from the intersection of River Rd & Cullen Ave

2. Zone or use district in which premises are situated Residential

3. Tax Map description of property: Section..... Block..... Lot.....

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:

a. Existing use and occupancy Bedroom & Living Room b. Intended use and occupancy Same

5. Nature of work (check which applicable): New Building..... Addition..... Alteration..... Repair..... Removal.....

Demolition ☒ Other ☒ Reconstruction of same as existed.

6. Size of lot: Front..... Rear..... Depth..... Front Yard..... Rear Yard..... Side Yard.....

Is this a corner lot?.....

7. Dimensions of entire new construction: Front 10 Rear 26 Depth 10 Height 10 Number of stories 3

8. If dwelling, number of dwelling units, 1 Number of dwelling units on each floor.....

Number of bedrooms..... Baths..... Toilets.....

Heating Plant: Gas..... Oil..... Electric...../Hot Air..... Hot Water.....

If Garage, number of cars.....

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
.....
10. Estimated cost \$ 2000.00 Fee
(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION — YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below **must** be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections, it has not been approved, and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS — 565-8807

- 1—When excavating is complete and footing forms are in place (before pouring).
- 2—Foundation Inspection - check here for waterproofing and footing drains.
- 3—Inspect gravel base under concrete floors, and underslab Plumbing.
- 4—When framing is completed, and before it is covered from inside, and Plumbing rough-in.
- 5—Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.
- 6—Driveway inspection must meet approval of town Highway Inspector.
- 7—\$20.00 charge for any site that calls for the same inspection twice.

STATE OF NEW YORK
COUNTY - ORANGE
TOWN OF NEW WINDSOR
SWIS - 334800

ASSESSMENT ROLL AND LEVY MODULE
CROSS REFERENCE LISTING
NAME SEQUENCE

REPORT NO. ARM050P1 PG 122
CURRENT DATE - 08/20/82

SECTION-BLOCK-LOT-SUFFIX	CK DG	N A M E	1981 LAND TOTAL	1982 LAND TOTAL	PROP TYPE	ROLL SEC	ACCOUNT NO
73-6-8	PX	SERVEDIO FRANK D	10,000	36,200	10,000	36,200	210 1 073
65-1-1.321	NW	SESAME ESTATES INC	83,000	83,000	83,000	83,000	314 1 065
53-2-10	HR	SEUFFERLING ADAM J	5,900	9,300	5,900	9,300	270 1 053
46-1-10	HU	SEYMOUR JOHN L	9,800	36,600	9,800	36,600	210 1 046
19-4-86	SZ	SEYMOUR LEWIS R	5,600	21,100	5,600	21,100	210 1 019
39-2-14	MB	SHAFFER NATALIE TAGUE	7,200	27,100	7,200	27,100	210 1 039
6-3-12	JG	SHANAHAN CHARLES R	9,100	31,100	9,100	31,100	210 1 006
58-2-2	KE	SHAND LEO S	7,200	33,400	7,200	33,400	210 1 058
75-1-28	OX	SHANKMAN HARVEY	9,900	33,500	9,900	33,500	210 1 075
49-3-12	LN	SHAPIRO JAMES R	10,300	35,300	10,300	35,300	210 1 049
71-1-21	IK	SHAPIRO MARTIN	3,600	25,800	3,600	25,800	210 1 071
19-5-1	KK	SHARMA SURENDRA M	12,300	51,200	12,300	51,200	210 1 019
6-5-32	LW	SHARP JOHN E	8,500	29,800	8,500	29,800	210 1 006
65-1-49.14	US	SHARP WILLIAM A	8,000	24,300	8,000	24,300	210 1 065
55-1-53.22	PW	SHARPE JOHN	12,100	29,800	12,100	29,800	210 1 055
4-2-3.11	JD	SHATZ MARVIN G <i>Lieau R.</i>	18,000	18,000	18,000	18,000	330 1 004
21-3-3	IE	SHAW ALBERT C	7,400	25,000	7,400	25,000	210 1 021
55-1-43.1	MU	SHAW KENNETH W	10,600	42,900	10,600	42,900	210 1 055
43-1-12	IF	SHEA JAMES V	8,200	33,000	8,200	33,000	210 1 043
29-1-43.22	PQ	SHEAFE WAYLAND	123,800	123,800	123,800	123,800	321 1 029
29-1-43.1	NG	SHEAFE WAYLAND H	11,700	101,300	11,700	101,300	449 1 029
53-1-6	KT	SHEAFE WAYLAND H	6,700	20,300	6,700	20,300	210 1 053
35-1-28	NR	SHEDDEN JAMES F	29,400	46,300	29,400	46,300	210 1 035
65-2-23	LO	SHEDDEN JOAN A	7,100	50,000	7,100	50,000	612 1 065
72-2-12	JK	SHEDDEN JOAN A	4,000	17,000	4,000	17,000	412 1 072
48-1-7	MX	SHEFFIELD MARTIN	9,000	29,800	9,000	29,800	210 1 048
20-2-51	JF	SHEFLIN MARION F	2,600	8,100	2,600	8,100	210 1 020
20-2-52	JY	SHEFLIN RICHARD E	2,300	2,300	2,300	2,300	311 1 020
32-2-31.3	LD	SHEIBLE OTTO K			3,400	3,400	311 1 032
47-1-20	IV	SHELEY WILLIAM H	15,000	43,300	15,000	43,300	210 1 047
23-1-1	GE	SHELL OIL CO	53,300	86,700	53,300	86,700	432 1 023
43-1-65	NW	SHENKER MARTIN F	8,400	35,100	8,400	35,100	210 1 043
35-1-32	JZ	SHEPRO JOS L	12,500	12,500	12,500	12,500	314 1 035
35-1-29	OK	SHEPRO LARRY <i>Shepro J.</i>	4,700	14,600	4,700	14,600	220 1 035
35-1-30	IN	SHEPRO LOUISE & JOSEPH L	9,200	37,500	9,200	37,500	210 1 035
79-1-1.-805	WE	SHERBO ANDREW J	2,800	19,800	2,800	19,800	412 1 035
24-8-19	RJ	SHERIDAN WM H	7,100	27,900	7,100	27,900	210 1 024
18-2-20	IW	SHERMAN AMY	3,400	15,500	3,400	15,500	210 1 018
8-6-8	PM	SHERMAN DAVID M	8,300	36,700	8,300	36,700	210 1 008
19-4-2	KN	SHERMAN JOHN	4,500	25,300	4,500	25,300	210 1 019
65-1-68	RJ	SHERMAN JOHN J <i>Shepard W.</i>	8,500	40,600	8,500	40,600	210 1 065
57-1-56	PP	SHERMAN NELLIE	3,700	3,700	3,700	3,700	314 1 057
57-1-57	QI	SHERMAN NELLIE	3,700	3,700	3,700	3,700	314 1 057
14-4-6	LS	SHEROW LEROY D	6,900	27,400	6,900	27,400	210 1 014
25-5-46	PT	SHEWRING WAYNE E	8,500	39,200	8,500	39,200	210 1 025

*single family
code*

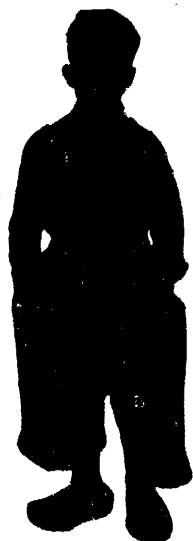


ONE VALLEY STREET
HAWTHORNE, NJ 07506

(201) 427-8200
(201) 423-1000

FAX (201) 427-7388

"GO
DUTCH"



"IT'S SMART
TO BE THRIFTY"
REG. T.M.

11/5/01

Mr. & Mrs. Michael Lucas
146 Quassaick Ave.
New Windsor, N. Y. 12553

Dear Mr. & Mrs. Lucas:

We received your notice about your application for a variance on your property designated on the New Windsor tax map, Section 20, Block 2, Lot 51.

Our property, in the name of Kathleen Shotmeyer, is Section 20, Block 2, Lot 51.

We assume your property is adjacent to our lot.

We have no objection to your application and wish you all the luck in your endeavor.

Inasmuch as our two properties are adjacent to each other, we are wondering if you may be interested in acquiring our lot, which is approximately 85 by 90 ft, which may enhance your property.

Kindly advise if you are interested.

Yours very truly,

Myron T. Holman
Myron T. Holman

In the Matter of

AFFIDAVIT

MICHAEL J. LUCAS,
Zoning Board of Appeals

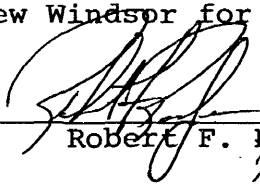
State of New York)

ss.

County of Orange)


ROBERT F. ^{Rodgers} ~~ROGERS~~, being duly sworn deposes and says:

1. He makes this affidavit in support of an application by Michael D. Lucas for an interpretation by the Zoning Board of Appeals that a house owned by him located at 27 Cullen Avenue, New Windsor, New York is and has been since before the enactment of zoning in the Town of New Windsor a three-family house.
2. He resides at and has resided at, since prior to January 1, 1965, 8 Locust Avenue, New Windsor, New York 12553.
3. He is familiar with the premises at 27 Cullen Avenue having services that premises as a youth on a newspaper route. He has been familiar with that premises since that time.
4. The premises at 27 Cullen Avenue has been a three-family house since approximately 1956 and certainly prior to January 1, 1965. As far as your deponent knows, the house has always been maintained as a three-family house.
5. Although your deponent holds an official position with the government of the Town of New Windsor, he makes this affidavit as an individual citizen having resided in the Town of New Windsor for his entire life.



Robert F. Rogers
RODGERS

Sworn to before me this
26 day of November, 2001



Notary Public

COMMISSION BY ORANGE CO
EXPIRES 7/31/2005

- General Contracting
- Plumbing
- Heating
- Electric

MICHAEL D. LUCAS

RESTORATION CONTRACTOR

SINCE 1940

Insurance Estimates For All Losses

- Fire Restoration
- Water Damage
- Ice & Storm Damage
- Complete Restoration

OFFICE
146 Quassaick Ave.
New Windsor, N.Y. 12553
561-0489

SHOP
98 River Rd.
New Windsor, N.Y. 12553
561-0489

Date _____

George,

As you know I am in
Contract to sell my building
on 27 Cullen Ave. I ask your
help because I have a problem
in getting the proper papers
from Leslie. I have called her
several time, twice yesterday
and I have ~~not~~ not recieved
any responses.

About 2 months ago I went in-
to contract to sell the house.
I bought this property about
17 yrs ago. At that time
it was a three family, & store.
It was always a three family.
And continues to this day.
Leslie told me first that I
only needed a letter from some
one who knew of the building
I supplied it to her ~~extremely~~ quickly.
In the interm she checked
with Mike Babcock. I be-
lieve Mike told her that an
open permit was in his files.

- General Contracting
- Plumbing
- Heating
- Electric

MICHAEL D. LUCAS

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561-0489

Date _____

I was contacted and Mike ask me to get an Engineers Report on the work Done. I did that quickly. I was then inform on my permit it said I put done 1 Dwelling. That is all I worked on is one Dwelling in a 3 family 3 story home. I believe I said to Mike, that if I put Done 5 dwelling on a permit would that be ~~see~~ seen as preisdence over any other government document. I then told him, as long as I have had the building, the Fire inspectors made Inspections (John Mac) as a three Family (you have access to those records) I am taxed as a three Family. and never have I recieved any thing from the town, in all these years. saying I could not operate as a three Family. I told Leslie that she could ask Jim Nugent who I believed worked in the

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561-0489

Date _____

Store, I would have him sent
a letter. She said it was not
necessary. I told her Bobby
Rodgers lived 2 houses up.

I will tell you this in total
honesty. Never did Leslie say
that it was a question of if
or could it was a question
only of how. Had it been
any other way who would I
waited till 2 days before
closing to address this?

Let me in closing say this
I have served this town in the
last 30 yrs in a many capacities
(mostly volunteers) in the most
honorable and proudest way.

I would never asked anyone in
the town do ever do anything
that even looked wrong or un-
professionally. I take great pride
in being a New Windsorite. I
also know both Mike and Lesiee.
They too are good honest people.
I also hope that you share

- General Contracting
- Plumbing
- Heating
- Electric

MICHAEL D. LUCAS
RESTORATION CONTRACTOR
SINCE 1940

Insurance Estimates For All Losses

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New Windsor, N.Y. 12553
561-0489

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561-0489

Date _____

This letter with them. I
need resolution as quickly
as possible.
and a final note whatever
happens I will always be
here ready to serve my town.
I know the right decision
will be made. Thanks all
of you for your time

Sincerely

Mike

To Whom It May Concern:

I, Earl Davis, lived at 27 Cullen Ave. on and before 1965. It was and has always been a 3 family home with a storefront.

A handwritten signature in cursive script that reads "Earl Davis". The signature is written in dark ink and is positioned above a horizontal line.

Earl Davis

06/18/01